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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFFS' OPPOSITION TO META'S
DECLARATION IN SUPPORT OF
SEALING [DKT. 479]**

Plaintiffs respectfully submit this opposition to Defendant Meta Platforms, Inc.’s Declaration in Support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed, Dkt. 479. In that declaration, Meta seeks to seal references to the name of a company with whom Meta engaged in discussions about potentially licensing text data two years ago. According to Meta, revealing that name would “disclos[e] business strategies and negotiations,” including in “ongoing” “business discussions,” while risking “hampering Meta’s third-party relationship management.” Dkt. 479, ¶ 4.

Plaintiffs believe the redacted information does not warrant sealing for multiple reasons. First, the redacted information is not commercially sensitive. Meta seeks to redact the name of a company with whom it did *not* enter into AI training licensing agreements *two years ago*—a far cry from commercially sensitive information such as proposed deal terms for ongoing contract negotiations. Second, it appears that Meta’s redactions may be designed primarily to avoid “a litigant’s embarrassment.” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The surrounding context of Plaintiffs’ letter states that Meta decided not to enter into licensing agreements after it cross-referenced (redacted company) against the books available within LibGen, a pirated database. It is unclear to Plaintiffs whether the redacted company even knows Meta did this. To the extent that is the basis for Meta’s “third-party relationship management” concerns, it is not a valid basis for sealing.

Finally, Meta’s concerns about confidentiality agreements are outweighed by the public’s right to inspect court records. The mere existence of a confidentiality agreement is insufficient to overcome the strong presumption of public access, particularly in a high-profile case such as this one. *See, e.g., Lee v. Clark*, 2019 WL 13412547, at *1 (N.D. Cal. May 29, 2019) (“[w]hile Plaintiff asserts that the redactions concern information subject to a confidentiality agreement, this does not satisfy the compelling reasons requirement.”). And it goes without saying that the information Meta seeks to redact directly bears on “the public’s understanding of the judicial proceedings in this action.” *Roberts v. Bloom Energy Corp.*, 2020 WL 6162117, at *4 (N.D. Cal. Oct. 21, 2020).

For these reasons, Meta has not met its burden with respect to sealing Plaintiffs' additional discovery proposal. Plaintiffs request that the Court deny Meta's motion and order the letter to be refiled publicly without redactions.

Dated: March 14, 2025

By: /s/ Jay Schuffenhauer
Jay Schuffenhauer

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